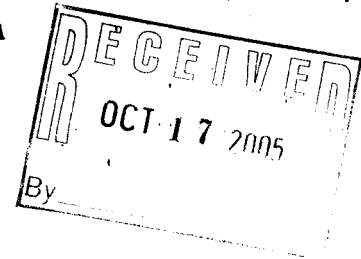


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FORM TO BE USED BY A PRISONER FILING A
42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Q5-cv-5409



I. CAPTION

Charles A. Simmons

(Enter the full name of the plaintiff or plaintiffs)

v.

Sylvester Johnson - Philadelphia Police CommissionerOfficer Golphin (7035), Officer Ross (9381), Supervisor (unknown)Officer Hannan (2982), Officer David Young (2180), Commanding Officer (unknown)
(Enter the full name of the defendant or defendants)

FILED

OCT 17 2005

II. PARTIES

a. Plaintiff

Full name: Charles Anthony SimmonsMICHAEL E. KUNZ, Clerk
By ti Dep. ClerkPrison identification number: 835999Place of present confinement: The House of Correction, Phila.Address: 8001 State Road Philadelphia, PA 19136

Place of confinement at time of incidents or conditions alleged in complaint, including address:

60th & Manning sts. Philadelphia, PA 19139, Happy Garden Restaurant

Additional plaintiffs: Provide the same information for any additional plaintiffs on the reverse of this page or on a separate sheet of paper.

b. Defendants: (list only those defendants named in the caption of the complaint, section I)

1. Full name including title: Sylvester Johnson; Police CommissionerPlace of employment and section or unit: Philadelphia Police Department2. Full name including title: Police officer Golphin (7035)Place of employment and section or unit: 18th Police district, Philadelphia3. Full name including title: Police officer Ross (9381)Place of employment and section or unit: 18th Police district, Philadelphia4. Full name including title: Police officer Hannan (2982)Place of employment and section or unit: 18th Police district, Philadelphia

Additional defendants: Provide the same information for any additional defendants on the reverse of this page or on a separate sheet of paper.

OVER →

III. PREVIOUS LAWSUITS

Instructions:

If you have filed other lawsuits in any federal or state court dealing with the same facts as this complaint or other facts related to your imprisonment, you must provide the information requested below. If you have not filed other lawsuits, proceed to Section IV, Administrative Remedies, on this page.

If you have filed other lawsuits, provide the following information.

Parties to your previous lawsuit:

Plaintiffs _____

Defendants _____

Issues: _____

Court: if federal, which district? _____

if state, which county? _____

Docket number: _____ Date filed: _____

Name of presiding judge: _____

Disposition: (check correct answer(s)); Date: _____

Dismissed _____ Reason? _____

Judgment _____ In whose favor? _____

Pending _____ Current status? _____

Other _____ Explain _____

Appeal filed? _____ Current status? _____

Additional lawsuits. Provide the same information concerning any other lawsuits you have filed concerning the same facts as this action or other facts related to your imprisonment. You may use the back of this page or a separate sheet of paper for this purpose.

IV. ADMINISTRATIVE REMEDIES

Instructions:

Provide the information requested below if there is an administrative procedure to resolve the issues you raise in this complaint. Examples of administrative procedures include review of grievances, disciplinary action, and custody issues. If no administrative procedures apply to the issues in this complaint, proceed to Section V, Statement of Claim, on page 4.

- a. Describe the administrative procedures available to resolve the issues raised in this complaint:

Type of procedure. (grievance, disciplinary review, etc.)

Formal complaint filed thru Philadelphia Internal Affairs Bureau

Authority for procedure. (DC-ADM, inmate handbook, etc.)

Pennsylvania Rules of Criminal Procedures

Formal or informal procedure. Formal / informal

Who conducts the initial review? Philadelphia Internal Affairs Bureau / Philadelphia Police Department : 18th district (unknown Sgt.)

What additional review and appeals are available? Philadelphia Police Review Board and the Philadelphia Police Commissioner's office.

- b. Describe the administrative procedures you followed to resolve the issues raised in this complaint before filing this complaint:

On what date did you request initial review? December 10th 2003

What action did you ask prison authorities to take? I asked that they file a criminal complaint / investigate assault on my person.

What response did you receive to your request? There has been no response from the Philadelphia Police Authorities.

What further review did you seek and on what dates did you file the requests? December 10th, (six) 6 months after my release from custody, I contacted the Philadelphia Police Internal Affairs Bureau. At that time an investigation was begun.

What responses did you receive to your requests for further review?

No responses as of yet. I contacted Philadelphia Internal Affairs on numerous occasions but was repeatedly told that the investigation was on going...

- c. If you did not follow each step of the administrative procedures available to resolve the issues raised in this complaint explain why.

V. STATEMENT OF CLAIM

Instructions:

State here as briefly as possible the facts of your case. Use plain language and do not make legal arguments or cite cases or statutes. State how each defendant violated your constitutional rights. Although you may refer to any person, make claims only against the defendants listed in the Caption, Section I. Make only claims which are factually related. Each claim should be numbered and set forth in a separate paragraph with an explanation of how the defendants were involved. Use the reverse of this page or a separate sheet of paper if you need more space.

Statement of claim:

After work at about 8:45 pm on December 10th 2003 I went to the Happy Garden Chinese Food store on 60th and Manning street in Philadelphia. After ordering food for my wife and myself I conversed with some people I knew from the neighborhood that were patrons of my families Salone & Barbershop. While waiting for my order a burgundy car pulled onto the corner side-walk and two men emerged; one brandishing a black gun, the other tall. Both men chased the people off the corner. I turned my back as to re-enter the Happy Garden but was tackled from behind, punched in the face and head; as I covered my head I was kicked and stomped in my lower back and side. Then arrested.

VI. RELIEF

Instruction: Briefly state exactly what you want the Court to do for you.

Relief sought:

I ask that the police officers responsible for assaulting me be tried accordingly; also prevented from enforcing the law lest they continue in a pattern of abuse and assault on others. I seek damages in the amount of \$377,700.00 plus medical, legal bills reimbursement, both civil and criminal.

VII. DECLARATION AND SIGNATURE

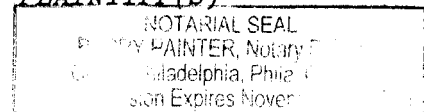
I (we) declare under penalty of perjury that the foregoing is true and correct.

09/24/05

DATE

Charles A. Simmons

SIGNATURE OF PLAINTIFF(S)



By [Signature] 10-4-05

FORM TO BE USED BY A PRISONER FILING AN
APPLICATION TO PROCEED IN FORMA PAUPERIS
IN A 42 U.S.C. § 1983 CIVIL RIGHTS ACTION
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

I. CAPTION

Charles A. Simmons
(Enter the full name of plaintiff or
plaintiffs)

v.

Sylvester Johnson - Phila. Police Commissioner
Police officer Golphin (7035), Police officer Ross (9382), Supervisor (unknown)
Police officer David Youngs (2180), Police officer Hannan (2982), Commanding Officer (unknown)
(Enter the full name of defendant or
defendants)

Instructions:

The caption of this application should be **identical** to the caption of the complaint. A separate application must be completed by each plaintiff listed in the caption. Show your full name in the first line of the declaration below. Provide all information requested.

II. DECLARATION

I, (your name) Charles A. Simmons, declare that I am the plaintiff in the above-captioned 42 U.S.C. § 1983 civil rights action, and that I am entitled to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 because of my inability to prepay the full fee to file this action or give security therefor. I understand that the granting of in forma pauperis status does not waive payment of the full filing fee.

In further support of this application, I provide the following information:

1. Do you presently have prison employment? yes () no (☒)

2. If you are not employed do you have other income? yes () no (☒)

3. If "yes" to either of above, state source of monthly income and amount.

source _____ amount _____

4. If "no," state date and place of last employment and amount of monthly income.

date and place August 2005 I.C.R. Inc. Del. Co. amount \$1,000.00 monthly

5. Do you have money in a prison account? yes () no (☒) amount _____

6. Do you have money in a bank account? yes (☒) no () amount \$10,000

7. Do you own or have an interest in valuable property such as an automobile, real estate, stocks, or bonds? yes () no (☒)

If "yes," describe property _____ value _____

8. List the persons who depend on you for support, state their relationship to you, and how much you contribute toward their support.

Nabja J. Simmons; my wife full support contributed...

9. State whether you have received within the past 12 months any money from any of the following sources:

a. Business, profession or other form of self-employment yes () no (☒)

b. Rent payments, interest or dividends yes () no (☒)

c. Pensions, annuities or life insurance payments yes () no (☒)

d. Gifts or inheritances yes (☒) no ()

e. Any other sources yes () no (☒)

If the answer to any of the above is "yes," describe each source of money and state the amount received from each source during the past 12 months.

My wife, my mother; \$160.00 and \$10.00

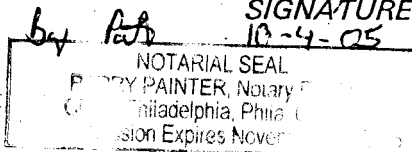
III. DECLARATION AND SIGNATURE

I declare under penalty of perjury that the foregoing is true and correct.

Charles A. Simmons

SIGNATURE OF PLAINTIFF

09/24/05
DATE



IV. CERTIFICATION

Instructions:

Request that an appropriate prison official provide: 1) the information below concerning your inmate trust fund account balances; and 2) a certified copy of your inmate trust fund account statement showing all deposits and withdrawals for the prior six-month period.

I certify that the applicant named herein has the sum of \$ 11.49 on account to his credit at the House of Corrections institution where he is confined.

I further certify that during the last ^{two(a)} ~~six~~ months the applicant's average monthly account balance was \$ 91.75; and that the average ~~monthly~~ ^{weekly} deposits during the during the last ~~six~~ ^{two(a)} months were \$ 22.93.

S. J. [Signature] c/o
SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL

Sept. 24, 2005
DATE